IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CRIMINAL JURISDICTION

CRIMINAL WRIT PETITION NO.1562 OF 2007

Shri.G.A.Rao. ..Petitioner.
Vs.
State of Maharashtra and anr. ..Respondents.

Mr.C.K.Talekar for the Petitioner.

Mr.P.A. Pol, APP. for the State.

CORAM: B.H.MARLAPALLE, J.
DATE : August 23, 2007

P.C.

1. The petitioner seeks to challenge an order of issuance of process passed in C.C.No.1970/S/2003 which has been renumbered as C.C. No.49/SS/2005 by the learned Metropolitan Magistrate, 10th Court at Andheri.

2. As has been held by this Court in the case of **V.K. Jain Vs. Pratap V. Padode (2005 (3) Mah.L.J. 778)** the petitioner has an equally efficacious remedy of filing Criminal Revision application under Section 397 of the Cr.P.C. before the Sessions Court. Hence, petition is disposed with liberty to the petitioner to approach the Sessions Court by way of a revision application and in case such revision application is filed within three weeks from today, the period of pendency of this petition from 16.8.2007 till today shall be excluded for counting the delay , if any.

(B.H. MARLAPALLE, J.)